REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-8, 10-20, 22-32, 34-40, 42-45, 47-50, 54-56, 58-60, 62-64, 66-68, 70-72, and 74-76 are presently active in this case, Claims 1, 13, 25-32, 37, 42, and 47 having been amended and Claims 9, 21, 33, 41, 46, and 51 having been canceled without prejudice or disclaimer by way of the present Amendment.

Claims 1-8, 11-20, 23-32, 35-51, 54-56, 58-60, 62-64, 66-68, 70-72, and 74-76 were rejected under 35 U.S.C. 103(a) as being unpatentable over Delano (U.S. Patent No. 6,430,558) in view of Busey et al. (U.S. Patent No. 6,377,944). Claims 9, 10, 21, 22, 33, and 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Delano in view of Busey et al. and further in view of Kenner (U.S. Patent No. 6,112,239). For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

Firstly, the Applicants note that the subject matter from Claims 9, 21, 33, 41, 46, and 51 have been incorporated into independent Claims 1, 13, 25, 37, 42, and 47, respectively. More specifically, for example, Claim 1 has been amended to recite generating a unified bill from bills received from application service providers, and transmitting said unified bill to said user. The Applicants submit that the cited references, either when taken singularly or in combination, fail to disclose or suggest the subject matter that has been incorporated into the independent claims.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness has not been established in the present case because the references, either when taken singularly or in combination, do not teach or suggest all of the claim limitations.

The Official Action acknowledges on page 8, in item 13, that the Delano and Busey et al. references do not disclose generating a unified bill from bills received from application service providers and transmitting the unified bill to the user. The Official Action cites the Kenner et al. reference for such a teaching. More specifically, the Official Action cites column 21, lines 16-28, of the Kenner et al. reference for such a teaching.

Column 21, lines 16-28 of the Kenner et al. reference states:

> In applications not specifically targeted to the delivery of advertising content, the provision of download information to the MSP facilitates the use of the invention as a premium subscription-based service. As successful downloads are tracked in a database, each user can have an associated "account" to track charges. **The user can be charged for use of the Smart Mirror system** by the file, by the megabyte, by the month, or by other known means. In one embodiment, the EMBED tag associated with a file contains billing information, or a "price" for the file. The invention's tracking of download performance allows discounts or credits to be issued if downloads are found to be unduly difficult or slow. (Emphasis added.)

As noted by the emphasis in bold above, this portion of the Kenner et al. reference describes charging the user for the use of the Smart Mirror system. In other words, this portion describes how the user is charged for the searching and downloading services provided by the Smart Mirror system, and not the unification of bills received from application service providers. The Kenner et al. reference does not discuss the billing of

content provided from the application service providers, but rather merely discusses the Smart Mirror system's fee for finding and forwarding that content to the user based on some definable quantity such as per file, per megabyte, per month, etc. The payment for the content is not discussed in the Kenner et al. reference, and any conclusion regarding how the content is billed is mere speculation. The Applicants note that the cited portion in column 21 discusses the tracking of download performance and provides discounts or credits to be issued if downloads are found to be unduly difficult or slow, which clearly shows that the charges being discussed are for services as a conduit and not related to the content provided from the content providers.

Accordingly, the Applicants submit that the Kenner et al. reference also fails to disclose or suggest generating a unified bill from bills received from application service providers and transmitting the unified bill to the user, in the manner set forth in the independent claims.

Since the Delano reference, the Busey et al. reference, and the Kenner et al. reference, either when taken singularly or in combination, fail to disclose or suggest all of the limitations recited in independent Claims 1, 13, 25, 37, 42, and 47, the Applicants submit that a *prima facie* case of obviousness cannot be established with respect to these claims. Accordingly, the Applicants respectfully request the withdrawal of the obviousness rejections of Claims 1, 13, 25, 37, 42, and 47.

The dependent claims are considered allowable for the reasons advanced for the independent claims from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the

applied references when those features are considered within the context of their respective independent claims.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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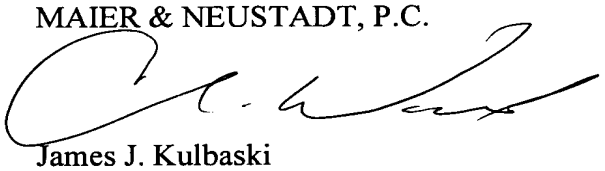

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